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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,591	06/14/1999	JAMES D. DAVIS	P4132/SUN1P	4277

22434 7590 01/26/2005	EXAMINER
BEYER WEAVER & THOMAS LLP	ANYA, CHARLES E

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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/333,591	DAVIS ET AL.
		Examiner	Art Unit	
		Charles E Anya	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3/</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *remarks/argument filed on 10/12/04*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 14-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,14-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-6 and 14-17 are pending in this application.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1,2,4,5,14 and 15 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over U.S. Pat. No. 6,708,207 B1 to Sabelhaus et al.

4.   As to claim 1, Sabelhaus teaches a method for communication between a

Common Information Model (CIM) object manager (Protocol-Specific Agent 40 Col. 3

Ln. 24 – 36) of a host computer in coordination with a repository application

programming interface (API) and at least one repository (figure 1 (API and MIB 32) Col.

3 Ln. 37 – 67, Col. 4 Ln. 40 – 42), said method comprising: creating a connection

between said CIM object manager and each said at least one repository wherein each

repository has an associated communication protocol (figure 4 (steps 112/114) Col. 61

– 67, Col. 6 Ln. 1 – 8), identifying a selected repository and its associated

communication protocol (Col. 5 Ln. 60 – 64), passing a communication protocol

indicator from said object manager to a repository API, said protocol indicator identifying

the associated communication protocol by which said CIM object manager desires to

communicate with said repository (figure 4 (step 118) Col. 6 Ln. 9 – 11) creating, by the

repository API, a protocol-specific object having methods implemented using said

associated communication protocol and returning said protocol-specific object to a

subsystem, whereby the subsystem communicates with said repository using said

associated communication protocol (figure 4 (step 120) Col. 6 Ln. 11 – 13).

5.   Although Sabelhaus is silent with reference to returning said protocol-specific

object to said CIM object manager, whereby said CIM object manager communicates

with said repository using said associated communication protocol, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to

implement the system of Sabelhaus such that the protocol-specific object is returned to

the CIM object manager (Protocol-Specific Agent 40 Col. 3 Ln. 24 – 36) instead of

subsystem 30 since the CIM object manager (Protocol-Specific Agent 40 Col. 3 Ln. 24 –

36) is part of the subsystem and is specifically responsible for communicating with the

repository.

6.   As to claim 2, Sabelhaus teaches the method of claim 1 further comprising:

invoking a method defined upon said protocol-specific object (figure 4 (step 122) Col. 6

Ln. 17 – 20), transmitting said method using said associated communication protocol

over said connection to said CIM repository (figure 4 (step 124) Col. 6 Ln. 21 – 23), and

returning a result to said CIM object manager over said connection using said

associated communication protocol (figure 4 (steps 130/132) Col. 6 Ln. 34 – 39).

7.   As to claim 4, Sabelhaus teaches the method of claim 1 wherein said CIM

repository is resident on said host computer (Col. 3 Ln. 15 – 23).

8.   As to claim 5, Sabelhaus teaches the method of claim 1 wherein said CIM

repository is resident on a separate computer (figure 1 Col. 4 – 36).

9.   As to claims 14 and 15, see rejection of claims 1 and 2 respectively.

10.   Claims 3,6,16 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Pat. No. 6,708,207 B1 to Sabelhaus et al. in view of U.S.

Pat. No. 6,134,581 to Ismael et al.

11.   As to claim 3, Sabelhaus is silent with reference to the method of claim 1 wherein

said associated communication protocol is LDAP, JDBC, or JAVA.

12.   Ismael teaches the method of claim 1 wherein said associated communication

protocol is LDAP, JDBC, or JAVA ('...JavaRMI...." Col. 12 Ln. 23 – 25).

13.   It would have been obvious to one of ordinary skill in the art at the time invention

was made to combine the teachings of Ismael and Sabelhaus because the teaching of

Ismael would improve the system of Sabelhaus such that java management application

could use its default class loader to dynamically load the managed object adapter client

and instantiate it, thus been able to interact with an agent regardless of the

communication protocol (Co1. 12 Ln. 23 – 32).

14.   As to claim 6, Ismael teaches the method of claim 1 wherein said creating a

protocol-specific Object includes calling a JAVA factory class ("...sunwjaw.moa.rmi..."

COl. 12 Ln. 21 – 25).

15.   As to claims 16 and 17, see the rejection of claims 3 and 6 respectively.

Response to Arguments

Applicant's arguments filed 10/12/04 have been fully considered but they are not

persuasive.

16.   In the remarks, Applicant argued in substance that (1) the Sabelhaus prior art

reference does not disclose identifying a specific communication protocol in which the

MIB 32 operates and at least one repository associated with a communication protocol

and (2) the motivation to combine the Sabelhaus and Menzies references is not

supported and springs from impermissible hindsight reasoning.

17.   Examiner respectfully traverses Applicant's remarks:

A.   As to point (1), figure 4 of the Sabelhus prior art reference clearly teaches that

during transaction between the subsystem 30 and MIB 32 that protocol specific

processing is retained by the mapping of the protocol specific transaction to the protocol

independent ME class 74, thus identifying a specific communication protocol in which

the MIB 32 operates and a communication protocol associated with at least one repository.

B.   As to point (2), the argument is moot since the Menzies prior art reference has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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cea.

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